

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARYANN A. FILIPPELO,  
Plaintiff,**

v.

**TRANSAMERICA PREMIER LIFE  
INSURANCE COMPANY, MATT  
BRICKNER, ANDREW PAUL AND  
THOMAS GALLO,  
Defendants.**

**CIVIL ACTION**

**NO. 17-5743**

**O R D E R**

AND NOW, this 16th day of January, 2018, upon consideration of Plaintiff's Motion for Remand to State Court (ECF No. 3); Defendants Transamerica Premier Life Insurance Company's, Andrew Paul's and Thomas Gallo's Response in Opposition Thereto (ECF No. 5); Plaintiff's Reply in Support of Motion for Remand (ECF No. 6); Defendants Transamerica Premier Life Insurance Company's, Andrew Paul's and Thomas Gallo's Motion to Dismiss (ECF No. 4); and Plaintiff's Response in Opposition Thereto (ECF No. 8), **IT IS ORDERED** that Plaintiff's Motion for Remand is **DENIED**. The Breach of Contract (Count I), Unfair Trade Practices and Consumer Protection Law (Count II), and Bad Faith (Count III) claims against Defendants Matt Brickner, Andrew Paul, and Thomas Gallo are **DISMISSED WITHOUT PREJUDICE** under Rule 12(b)(1) of the Federal Rules of Civil Procedure. **IT IS FURTHER ORDERED** that Plaintiff's Unfair Trade Practices and Consumer Protection Law (Count II) claim against Defendant Transamerica Premier Life Insurance Company is **DISMISSED WITHOUT PREJUDICE** under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Plaintiff shall have leave to file a Second Amended Complaint to address issues identified in the accompanying Memorandum Opinion. The Second Amended Complaint must be filed no later than **February 16, 2018**.

**BY THE COURT:**

**/S/WENDY BEETLESTONE, J.**

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**WENDY BEETLESTONE, J.**